

traumatic stress disorder. \$16,000 medicals. Future expenses for psychological counselling once each week for four to six years.

Final Demand Before Trial: \$45,000.

Final Offer Before Trial: \$3,000 according to the defendant's attorney. None before trial and \$3,000 during trial according to the plaintiff's attorneys.

Plaintiff's Expert Witnesses:

Robert Brown (on police procedures in the Denver metropolitan area in 1988)

Kathryn Jens, PhD (treating psychologist)

Kathey Verdeal, PhD (toxicologist)

Defendant's Expert Witnesses:

Chief Pat Ahlstrom, Arvada Police Department (on police procedures)

Chief Charlie Johnston, Lakewood Police Department (on police procedures)

Verdict: For the defendant.

Note: The jury attached the following note to the verdict:

"Even though this jury has found in favor of the defendant in this case, it is our deepest feeling that additional efforts should be made to confirm that passengers of DUI contacts be offered additional follow-up attention to confirm their personal safety."

Laurie Fitzgerald and Aaron Hazard v. The Mountain States Telephone and Telegraph Company, d/b/a U.S. West Communications, Inc. and U.S. West, Inc.

Case No: 90-Z-236

Judge: Zita L. Weinshienk

Trial Dates: August 14 - 22, 1992

Plaintiffs' Attorneys: Kathryn E. Miller (Miller, Leher & Steiert, PC) and Robert J. Truhlar (Truhlar & Truhlar)

Defendants' Attorney: Coleman M. Connolly (U.S. West Communications, Inc.)

Type of Claim: 42 U.S.C. Section 1981 Race Discrimination Claim (by association). Laurie Fitzgerald, a white female, and Aaron Hazard, a black male, were independent consultants who claimed that they were prohibited from doing contract work for U.S. West in a four-year pluralism program. The plaintiffs said that they were invited by U.S. West in May 1989 to participate in a training program for facilitators of U.S. West's "Leading a Diverse Workforce" course. The workshop was held for the purpose of identifying qualified individuals to serve as external and internal facilitators for pluralism training being offered nationwide to U.S. West employees. The training program took place May 1 through May 5, 1989. The training program was directed by Dr. Thomas Gordon, a black male, who resides in Philadelphia; Ms. Marilyn Loden, a white female, who resides in San Francisco; and Debra Sapp, a black female, who is a U.S. West employee located in Denver. These three individuals were to collectively run the five-day

training program and determine which of the participants were qualified to continue to act as facilitators for the pluralism training over the course of the next four years. The plaintiffs said that on the first day of the training workshop all participants were asked to relate a life experience which contributed to their commitment to pluralism in the workplace. The plaintiffs said that the explicit "ground rules" relating not only to this exercise but the entire five-day workshop were confidentiality and honesty. Ms. Fitzgerald said that she told a story regarding the difficulties she had in her long-term romantic relationship with a black man, describing how the black community had isolated her and her male partner because of their mixed racial relationship. Ms. Fitzgerald said that she became quite emotional while relating her story and that Mr. Hazard gave her a hug for morale support. The plaintiffs claimed that from that point forward Debra Sapp was angry and hostile toward Ms. Fitzgerald and made that hostility clear to the rest of the group. Ms. Fitzgerald said that on the fourth day of the program, Ms. Sapp made a threatening racial remark to her: "You white bitches are always trying to take all the air time, and I'm sick of it." The plaintiffs further claimed that Ms. Sapp approached Mr. Hazard on the last day of the workshop and told him that if he would "divorce" or disassociate himself from Ms. Fitzgerald that she would use her influence to direct work his way. Ms. Fitzgerald said that at the end of the workshop she was essentially terminated from the program, placing her in a newly created category called "services not needed." Mr. Hazard said that although he was considered qualified to do the training he was never offered any consultant work by U.S. West because of his association with Laurie Fitzgerald. The defendant denied that the plaintiffs were denied contracts because of racial discrimination and claimed that its actions against the plaintiffs were taken for legitimate nondiscriminatory reasons. Ms. Sapp denied saying, "You white bitches are always trying to take all the air time, and I'm sick of it". The defendant said that Laurie Fitzgerald wasn't certified because of her lack of knowledge and inability to perceive what the issues were. The defendant also said that Aaron Hazard was identified as a partner of Ms. Fitzgerald's.

Damages Alleged: \$724,000 for lost contract income from the defendant for Aaron Hazard and \$362,000 for lost contract income from the defendant for Laurie Fitzgerald. \$225,000 for other lost contracts, pain and suffering from humiliation and embarrassment and exemplary damages.

Final Demand Before Trial: \$1,400,000.

Final Offer Before Trial: \$80,000 (joint offer).

Plaintiffs' Expert Witnesses:

Helen Hand, PhD (psychologist)

Arthur C. Jones, PhD

Defendant's Expert Witness: None.

Verdict: For the plaintiff Laurie Fitzgerald,
\$535,000 for economic damages
\$250,000 for pain and suffering
\$500,000 for exemplary damages
For the plaintiff Aaron Hazard,
\$310,000 for economic damages
\$250,000 for pain and suffering
\$500,000 for exemplary damages.

JEFFERSON COUNTY DISTRICT COURT

Lynx Industrial Contractors, Inc., Mollie R. Williams and Robert G. Williams v. RAG, Inc. d/b/a Lakemont Family Golf Centre

Case No: 91-CV-3669

Judge: Gaspar Franz Perricone

Trial Dates: August 25 - 28, 1992

Plaintiffs' Attorneys: Robert H. Sonheim and Phillip A. Less (Sonheim, Helm & Less)

Defendant's Attorney: Janet R. Spies (Burg & Eldredge, PC)

Type of Claim: **Trespass, emotional distress and exemplary damages.** The plaintiffs said that they began operating their family business, Lynx Industrial Contractors, in June 1990. The business included an outdoor storage facility for heavy equipment. April 1991, the defendants opened a driving range known as Lakemont Family Golf Center next to the plaintiffs' property. The plaintiffs claimed that hundreds of golf balls came onto their property creating a nuisance, interfering with their business and damaging their property. The defendants denied the number of golf balls which went onto the plaintiff's property and the amount of damages claimed by the plaintiffs.

Damages Alleged: \$100,000 in loss of prospective business and emotional distress.

Final Demand Before Trial: \$250,000.

Final Offer Before Trial: \$15,000 offer of settlement before the trial and an informal offer that the defendants would go as high as \$25,000 to \$30,000 according to the defendants' attorney. The plaintiffs wanted a permanent injunction, and no offer was made according to the plaintiffs' attorneys.

Plaintiffs' Expert Witness:

Dick DeFord (real estate appraiser)

Defendants' Expert Witness: None.

Verdict: The Court directed a verdict for the plaintiffs on the trespass claim.

The jury awarded the plaintiffs the following:

\$2,940 for actual damages (excluding damages for emotional distress) incurred by the plaintiffs and caused by the trespass of the defendants prior to April 22, 1992.

\$620 for actual damages (excluding damages for emotional distress) incurred by the plaintiffs and caused by the trespass of the defendants between April 22, 1992 and July 2, 1992.

\$2,940 for damages for emotional distress caused by the trespass of the defendants prior to April 22, 1992.

\$620 for damages for emotional distress caused by the trespass of the defendants between April 22, 1992 and July 2, 1992.

The jury found that the acts of the defendants were not willful and wanton and no exemplary damages were awarded.

Cynthia Bishop v. Janice Devine

Case No: 91-CV-3682

Judge: Christopher Munch

Trial Dates: August 25 - 27, 1992

Plaintiff's Attorneys: Richard Goff and Karen Hendrick

Defendant's Attorney: James A. Corman (George D. Browning & Associates)

Type of Claim: **Personal injury - auto collision.** The plaintiff said that she was injured October 24, 1989, when the defendant ran a red light at the intersection of Bowles Avenue and Wadsworth Boulevard and collided with her auto. The defendant claimed that she entered the intersection on a green light and it turned yellow as she went through the intersection. The defendant further claimed that the plaintiff had failed to yield the right-of-way by turning left in front of her. The defendant alleged that the plaintiff had a pre-existing low back condition.

Injuries Alleged: Low back strain and a resultant loss of income due to inability to work as an auto mechanic. \$7,000 for specials.

Final Demand Before Trial: Not available from the plaintiff's attorneys. \$6,000 according to the defendant's attorney.

Final Offer Before Trial: \$750 offer of settlement according to the defendant's attorney. Not available from the plaintiff's attorneys.

Plaintiff's Expert Witness:

Karl Stecher, MD (neurosurgeon)

Defendant's Expert Witnesses:

William Keener, MD (orthopedic surgeon)

Alan Burgess, MD (internist)

Verdict: For the defendant.

Lewrence R. McCormick d/b/a McCormick Custom Homes v. Leo N. Bradley, Bear Creek Development Corporation and Bear Creek Properties Corporation

Case No: 91-CV-1437

Judge: Christopher Munch

Trial Dates: August 17 - 21, 1992

Plaintiff's Attorney: Gary S. Cohen